

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESEQUIEL MENDEZ,

Plaintiff,

v.

GOLDEN ALASKA SEAFOODS, INC.,
et al.,

Defendants.

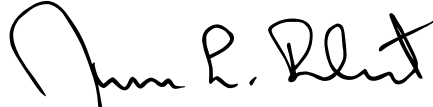
CASE NO. C05-2036JLR

ORDER

This matter comes before the court upon Plaintiff's motion for dismissal (Dkt. # 4). The decision whether to grant or deny the Plaintiff's motion for voluntary dismissal is within the sound discretion of the court. Hamilton v. Firestone Tire & Rubber Co., 679 F.2d 143, 145 (9th Cir. 1982). Courts generally allow dismissal unless a defendant will suffer "some plain legal prejudice" as a result of the dismissal. Id. In their response, Defendants argue that they will suffer prejudice from dismissal as they have "spent many hours combing through boxes of documents" and may face the prospect of a second suit. Defts.' Resp. at 2. These are not sufficient reasons to justify denying Plaintiff's motion to dismiss. Westlands Water Dist. v. United States, 100 F.3d 94, 96 (9th Cir. 1996); In re Lowenschuss, 67 F.3d 1394, 1400 (9th Cir. 1995).

1 Plaintiff's motion is GRANTED, and this matter is DISMISSED without prejudice
2 and without costs.

3 Dated this 1st day of February, 2006.
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6 JAMES L. ROBART
7 United States District Judge
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